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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,096	05/31/2001	Mamoru Shimazaki	P/126-204	9305

7590

11/14/2003

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EXAMINER

QUINONES, ISMAEL C

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/14/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/871,096

Applicant(s)

SHIMAZAKI, MAMORU

Examiner

Ismael Quiñones

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on October 30 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 5-7. 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. The word *bask* is used when *back* is meant. Page 9, line 22.
 - b. Fig. 1 is mentioned as the figure illustrating the sensing switch 209, when Fig. 9 is meant. Page 15, line 21.
 - c. Item 153 referring to back and front screens, should be item “152 and 153” (Page 10, line 9).
 - d. On page 16, line 21, replace “front” with “back” before display.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U.S. Pat. No. 6,574,487).

Regarding **claim 1**, Smith et al. disclose an information processing apparatus (communication device, item 10; Abstract, line 1) comprising a hinge mechanism (Figs. 1 and 3, col. 4, lines 45-49) and first and second cases (Fig. 1, item 14 first housing) of which has front and back sides (Figs. 1-4), said first and said second cases coupled to each other through hinge mechanism (col. 4, lines 45-49) so that information processing apparatus (item 10) is folded with front sides of said first and second cases are faced to each other (Fig. 3 and Fig.4);

wherein said first case has a display unit (item 12, col. 5, lines 58-59) so that a displayed content of said display unit (item 12) can be seen from both the front and back sides of said first case (Fig. 1 and 3, items 18 and 22; Abstract lines 5-8; col. 2, lines 46-52);

said display unit (item 12) being provided with a liquid crystal display plate (col. 2, lines 38-39) having first and second sides and a pair of screens (screen or lenses), said screens being substantially transparent (col. 2, lines 43-44) and being arranged over the first and second sides of said liquid crystal display plate (col. 2, lines 60-62);

said second case having at least one of operating buttons (keypad, Fig. 1; col. 2, lines 20-22;) for the operation of said information processing apparatus

Regarding **claim 3** and as applied to claim 1, Smith et al. disclose a first case (housing, Fig. 1, item 14) provided with a speaker for telephone talking (Fig. 1), and a second case provided with a microphone for telephone talking (user interface specified by Smith et al. for means of input/output operations, such as audio and display, col. 6, lines 29-32; see also col. 2 lines 20-22).

Regarding **claim 4** and as applied to claim 1, Smith et al. disclose an information processing apparatus comprising a control circuit (Fig. 5, item 82; col. 5, lines 25-28) for switching the display content of said display unit so that the display content is normally seen from any one of the front and the back sides of said first case (col. 4, lines 33-58).

Regarding **claim 5** and as applied to claim 4, Smith discloses an information processing apparatus (communications device, item 10) comprising a control circuit for switching the displayed content of the claimed display unit when at least one of said operating buttons is not touched for a predetermined time (it is inherent that once the information apparatus is closed or folded, the keys or operating buttons would not be touched for a predetermined time, U.S. Pat. No. 6,574,487 *Smith et al.*; Fig. 4, therefore switching the display content at the back of the first case, U.S. Pat. No. 6,574,487 *Smith et al.*; Fig. 3; col. 1 lines 46-48), where the displayed content is normally seen in left and right directions from said backside of said first case (Figs. 3 and 4; col. 5, lines 63- col. 6, line 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,574,487) in view of Weissshappel et al. (U.S. Pat. No. 5,857,148).

Regarding **claim 2** and as applied to claim 1, Smith et al. disclose an information processing apparatus comprising a hinge mechanism and first and second cases coupled to each other through said hinge, where first case has a display unit provided with a liquid crystal display. Smith et al. fail to disclose specifically a battery provided on said second case.

However, in the same field of endeavor this is clearly shown by Weissshappel et al. (U.S. Pat. No. 5,857,148), which disclose battery on the second case (second housing) of an information processing apparatus/portable electronic device (Abstract lines 3-4, and col. 3 lines 52-53).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Smith et al. communication device having 2 folding cases to include a battery pack on the second housing as taught by Weissshappel et al. For the purpose of allowing considerable space to be saved in the first housing case for the dual side LCD display.

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al.(U.S. Pat. No. 6,574,487) in view of Suso et al. (U.S. Pat. No. 6,466,202).

Regarding **claim 6** and as applied to claim 4 which depends on claim 1, Smith et al. disclose an information processing apparatus comprising a control circuit (Fig. 5, item 82; col. 5, lines 25-28) for switching the display content of said display unit so that the display content is normally seen from any one of the front and the back sides of said first case (col. 4, lines 33-58). Smith et al. fail to disclose a sensing switch for sensing said first and second cases are opened to each other.

However, in the same field of endeavor Suso et al. disclose a sensing switch (item 21) for sensing said first and second cases are opened from or closed to each other (col. 4, lines 14-16). Suso et al. also disclose an operability between the sensing switch (item 21) and the control circuit (col. 6, line 64 - col. 7 line5), when said sensing switch (item 21) senses that both cases are opened from each other, so that the display content is normally seen in left and light directions from said front side of said first case (col. 6, lines 60-64).

Therefore it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Smith et al. control circuit to include a switch means for sensing both closed and open states (Smith et al. disclose the operability of both open/closed states wherein the *second viewport/back display* is visible when the device is folded and both view ports, *first /front display* and *second/back display* are visible when the device is open/unfolded, col. 2 lines 46-52) of the portable information terminal (communications device) as taught by Suso et al. For the purpose of, such

feature would allow automatic sensing of both open/closed states of the portable information terminal (communications device).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishiyama et al. (U.S. Pat. No. 5,710,576)

Higginbotham et al. (U.S. Pat. No. 5,896,575)

Sassi (U.S. Pat. No. 6,487,396)

Jahagirdar et al. (U.S. Pat. No. 6,125,286)

9. Any response to this Office Action should be **faxed to** (703) 872-9314 or **mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to

Crystal Park II

2021 Crystal Drive

Arlington, VA 22202

Sixth Floor (Receptionist)

10. Any inquiry concerning this communication on earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

11. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q

October 27, 2003

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
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